

FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP
1100 SUPERIOR AVENUE, SUITE 700
CLEVELAND, OHIO 44114-2579
(216) 861-5582

RECEIVED
CENTRAL FAX CENTER
OCT 15 2003

DATE: October 15, 2003

TO: Examiner Gordon Stock

FACSIMILE NO.: (703)872-9306

FROM: Robert M. Sieg

RE: Our File XERZ 200423

OFFICIAL

Total number of pages (including this cover sheet):

Please call us immediately at (216) 861-5582 if the telecopy you receive is incomplete or illegible. Our facsimile numbers are (216) 241-1666 and (216) 241-5147.

Comments:

The documents accompanying this facsimile transmission include information from the firm of Fay, Sharpe, Fagan, Minnich & McKee that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

INVENTOR(S) : Franzen et al.

TITLE : **APPARATUS AND METHOD FOR
CHARACTERIZING THE TONER
CONCENTRATION IN A
DEVELOPER OF A PRINTING
DEVICE**

APPLICATION NO. : 09/940,058

FILED : August 27, 2001

EXAMINER : Gordon J. Stock, Jr.

ART UNIT : 2877

ATTORNEY DOCKET NO. : D/A0A72
XERZ 2 00423

RECEIVED
CENTRAL FAX CENTER
OCT 15 2003
OFFICIAL

Herewith please find a faxed copy of Amendment A which was filed with Certificate of Mailing on September 19, 2003.

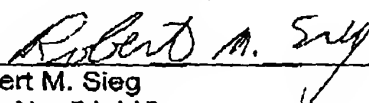
This faxed communication is being sent responsive to a Notice of Non-compliant Amendment in this case mailed to Applicants on October 2, 2003.

In accordance with a telephone conversation between the undersigned and Examiner Gordon Stock on October 15, 2003, it is Applicants understanding that the mailed Amendment A of September 19, 2003 is in fact in compliance, and that the Notice of October 2, 2003 was inadvertently sent due to Office difficulties in scanning the mailed Amendment A.

This faxed copy of Amendment A is being sent to expedite the examination process in view of these scanning difficulties.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP


Robert M. Sieg
Reg. No. 54,446
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service on September 19, 2003 and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Mary Ann Temesvari
Mary Ann Temesvari

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Franzen et al.

TITLE : **APPARATUS AND METHOD FOR
CHARACTERIZING THE TONER
CONCENTRATION IN A
DEVELOPER OF A PRINTING
DEVICE**

APPLICATION NO. : 09/940,058

FILED : August 27, 2001

CONFIRMATION NO. : 4406

EXAMINER : Gordon J. Stock, Jr.

ART UNIT : 2877

LAST OFFICE ACTION : June 19, 2003

ATTORNEY DOCKET NO. : D/A0A72
XERZ 2 00423

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT A

Dear Sir:

Responsive to the Office Action mailed June 19, 2003, on the above-referenced patent application, Applicants respectfully request reconsideration of the application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.